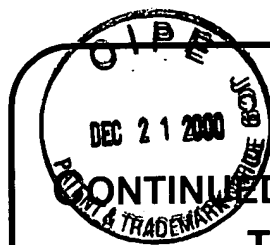


12-26-00

#2 RCE/1651
RCE +
EXT (3 mos) \$
11/4/01



REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/828,143
Filing Date	March 24, 1997
First Named Inventor	Houn Simon Hsia
Group Are Unit	1651
Examiner Name	Irene Marx
Attorney Docket Number	239/252

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This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective May 29, 2000. If the above-identified was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patented term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
Any unentered amendment(s) referred to above will be entered.

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declarations(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Return Postcard _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☒ Other Note: Applicant is small entity _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-2475

i. ☒ RCE fee \$355.00 required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee \$445.00 (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Patrick Eagleman	Registration No. (Attorney/Agent)	44,665
Signature		Date	December 21, 2000

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Lynne Fulmer	Date	December 21, 2000
Signature			

12/28/2000 SLUW61 00000023 122475 08828143

01 FC:279 355.00 CH
02 FC:217 445.00 CH

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Amdt. E (PCE)
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239/252
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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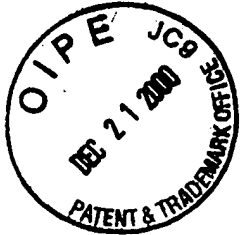
In re the Application of:

HOUN SIMON HSIA

Serial No.: 08/828,143

Filed: March 24, 1997

For: **STABILIZED SOLID BACTERIA
COMPOSITIONS**



Group Art Unit: 1651

Examiner: Irene Marx

AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Final Office action dated June 29, 2000, please enter the following amendments:

IN THE CLAIMS:

Please add new claims 33 – 35.

33. (NEW) A stable, dried bacterial composition comprising:

approximately 0.7 dry weight percent solid, dried, viable *Lactobacillus acidophilus* bacteria

approximately 5.3 dry weight percent dried, non-living yeast, and

OC-70408.1

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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Express Mail Label No.

December 21, 2000
Date of Deposit

Lynne Fulmer

Name of Person Mailing Paper

Lynne Fulmer
Signature of Person Mailing Paper